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LAW OF AUTONOMY

REPUBLIC OF IRAQ
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No. (33)

LAW OF AUTONOMY

YMOHOTUA TO WAI

Text of the Statement made by His Excellency Ahmed Hassan Al-Bakr President of the Republic of Iraq on the 11th of March, 1974, Announcing the Resolution of the Revolutionary Command Council Calling for Effecting the Law of Autonomy.

Great People,

Masses of our Glorious Nation,

In confirmation to the ties of the historical citizenship and brotherhood among the nationals of Iraq's Arabs, Kurds and fraternal minorities, in compatibility with the democratic principles of the July 17 Revolution and in fulfilment to its pledge, in realization of the March 11 Menifesto of 1970 and what is included in the National Action Charter and in consolidation to the common struggle and interests of all nationals of the People and for what all the progressive national and nationalist forces struggle and called upon, The Revolutionary Command Council has decided the application of Autonomy to Kurdistan Region.

The application of Autonomy to the Region whose majority of population is from Kurds and on democratic bases shall provide the guaranteed ways for our Kurdish People to exercise its full legal nationalist rights within the framework of the One Homeland and under the relationships of common fraternity, equality and responsibility among its nationals, shall strengthen the national

unity and the gains realized by the Revolution for the masses in all fields and shall ward off the intrigues of colonialism and reactionary forces.

Besides, the full participation of the nationals of our Kurdish People in the national bodies and guaranteeing the cultural rights of fraternal minorities in accordance with the Laws enacted by the July 17 Revolution, under its democratic principles and institutions and within the framework of the common national action of the National and Nationalist Front are the assured guarantee for eliminating the inequality, afflicted on the nationals of our Kurdish people and fraternal minorities at the time of dictatorial and reactionary regimes and their chauvinist and despotic policies, for establishing a comprehensive economic, social and cultural rise in Kurdistan Region and for opening broad scopes for all nationals of the People to move forward, in an established faith and in the spirit of confidence and constructive work, on the course of progressive and democratic transformations for achieving the construction of socialism.

RESOLUTION NO. (247)

AMENDMENT TO THE

INTERIM CONSTITUTION

In accordance with the provisions of paragraph (b), Article (63) of the Interim Constitution, The Revolutionary Command Council have decided, in the Name of the People, in its session convened on 11 March, 1974, to amend the Interim Constitution promulgated on 16 July, 1970 as follows :

Article (1) :

The following paragraph shall be added to Article (8) :

“(C) — The region, whose majority of population is from Kurds, shall enjoy Autonomy in accordance with what is defined by the Law.

Article (2) :

This Constitutional amendment shall come into force as from the date of its publication in the Official Gazette.

Made at Baghdad on this 17th, Saffar 1394, Hejira, coinciding with this 11th March 1974.

Ahmed Hassan Al-Bakr,

Chairman of

The Revolutionary Command Council

RESOLUTION No. (248)

In the Name of the People,

The Revolutionary Command Council,

In accordance with paragraph (a) of Article (42) of the Interim Constitution, The Revolutionary Command Council have decided, in the Name of the People, in its session convened on 11 March 1974, the promulgation of the following Law :

No. (33) of 1974

Law of Autonomy

For Kurdistan Region

Part One

Bases of Autonomy

Chapter One

General Bases

Article (1) :

- (a) Kurdistan Region shall enjoy Autonomy, and it shall be referred to as (the Region) wherever it exists in this Law.

- (b) The Region shall be delimited as wherever the Kurds constitute the majority of its population, and the general census shall decide the Region's borders in accordance with the provisions of March 11 Manifesto. The records of 1957 Census shall be deemed as the basis for defining the national nature of the absolute majority of population in the places where the general census shall be performed.
- (c) The Region shall be deemed as one administrative unit which has a body corporate enjoying Autonomy within the framework of the legal, political and economic unity of the Republic of Iraq. Administration divisions in it shall be performed under the provisions of Governorates Law and with observation to the provisions of this Law.
- (d) The Region is inseparable part of the land of Iraq and its people is inseparable part of the people of Iraq.
- (e) The City of Arbil shall be the Autonomy's administrative centre.
- (f) Bodies of Autonomy shall be part of the Bodies of the Republic of Iraq.

Article (2) :

- (a) The Kurdish language shall be, beside the Arabic language, the official language in the Region.
- (b) Kurdish shall be the language of education for Kurds in the Region. Teaching of Arabic language shall be compulsory in all educational levels and utilities.
- (c) Educational utilities shall be established in the Region for the Arab nationals, where education therein shall be in Arabic language and the Kurdish language shall be taught compulsorily.
- (d) All nationals of the Region shall have the free option to choose the schools they want to receive their education in, apart from their mother-tongue.
- (e) Education in all its levels, in the Region, shall be subject to the General Educational Policy of the State.

Article (3) :

- (a) Rights and liberties of the Arab nationals and the minorities in the Region shall be maintained in accordance

with the provisions of the Constitution and the Laws and Resolutions issued therefor, and the Autonomy's administration shall abide by ensuring their practice.

(b) Arab nationals and the minorities in the Region shall be represented in all the Bodies of Autonomy by their proportion to the Region's population; they shall also participate in undertaking the public posts in accordance with the laws and resolutions organizing them.

Article (4) :

Jurisdiction is independent and it shall not be subjected except to the Law; its formations in the Region are inseparable part of the judicial organization of the Republic of Iraq.

Chapter Two

Financial Bases

Article (5) :

The Region is an independent financial unity within the State's Financial Unity.

Article (6) :

(a) The Region shall have a special budget within the unified budget of the State.
(b) The same rules and principles, followed in preparing the unified budget of the State, shall be followed in preparing and organizing the budget of the Region.

Article (7) :

The budget of the Region shall consist of the following items :

1. The ordinary budget.
2. The annual investment budget of the Region.
3. The budgets of productive establishments and organizations of the local nature constructed in the Region.
4. The budget of local administrations and municipalities in the Region.

Article (8) :

Revenues of the Region's budget shall be constituted of the following elements :

(a) Autonomous revenues which consist of:

1. Tax and dues incomes defined for municipalities and local administrations under the competent laws.
2. Values of sales and service charges.
3. The specified quota from the profits of establishments and organizations involved in the Region's budget.
4. Basic and additional real-estate tax within the Region.
5. The agricultural land tax and the share of agrarian reform of the output.
6. Estate tax.
7. Inheritance tax.
8. Real-estate registration dues.
9. Courts dues and fines imposed by them.
10. Revenue stamps.
11. Automobiles' registration dues and the dues from relaying their title-deeds.

(b) What shall be specified in the ordinary budget of the State and the annual investment programme from the National Development Plan for covering the expenditure of the Region's budget in the way ensuring its growth and development balanced with all the Republic of Iraq over.

Article (9) :

The Region's accounts shall be subject to the comptrolling of the Financial Comptrolling and Inspection Office.

Part Two

Bodies of Autonomy

Chapter One

The Legislative Council

Article (10) :

The Legislative Council is the legislative body elected in the Region; its formation, organization and procedure shall be defined by a Law.

Article (11) :

- (a) The Legislative Council shall elect its President, Vice-president and Secretary from among its members.
- (b) The Council's sessions shall convene by the presence of the majority of its members. Its resolutions shall be adopted by majority of the present members, unless otherwise provided in this Law or the Law of the Legislative Council.

Article (12) :

The Legislative Council shall exercise, within the limits of the Constitution and the Law, the following jurisdictions :

- (a) Draw up its Statute.
- (b) Adopt legislative resolutions necessary for developing the Region and promoting its social, cultural, reconstructional and economic utilities of the local nature within the limits of the general policy of the State.
- (c) Adopt legislative resolutions pertaining to the development of culture and the

national features and traditions of citizens in the Region.

- (d) Adopt legislative resolutions concerning semi-official departments, establishments and organizations of the local nature after consulting the competent central Authorities.
- (e) Ratify the draft detailed plans submitted by the Executive Council on economic and social affairs as well as development projects and education, teaching, health and work affairs in accordance with the exigencies of the general central planning of the State and the requirements of its application.
- (f) Propose the budget of the Region.
- (g) Approve the final accounts after auditing them by the Financial Comptrolling Office and submit them to the Legislative Authority for ratification.
- (h) Make amendments to the budget of the Region after ratifying them, within the limits of the specified sums and within the purposes they are specified for,

provided that this should not contradict the Laws and development plans of the State.

- (i) Discuss with and interrogate the members of the Executive Council on affairs attached to their competences.
- (j) Cast votes of confidence on the Executive Council or on one or more of its members and discharge those from whom confidence is withdrawn. Decision of confidence withdrawal shall be adopted by majority of the members constituting the Legislative Council.

Chapter Two

The Executive Council

Article (13) :

- (a) The Executive Council is the executive body of the Autonomy's administration in the Region.
- (b) The Executive Council shall consist of the President, his Deputy and members equal in number to the administrations provided in Article (14) or exceeding them by two members.

- (c) The President of the Republic entrusts one of the members of the Legislative Council to preside over and formulate the Executive Council.
- (d) The entrusted President shall select the members of the Executive Council and a Deputy for him from among the members of the Legislative Council or from whoever acquires the stipulations of membership therein. He shall apply for the Legislative Council for confidence and when confidence is acquired by majority of the members constituting the Council, Republican Ordinance of formulating the Executive Council shall be decreed.
- (e) The President and members of the Executive Council shall be in the rank of Minister.
- (f) The President of the Republic is entitled to release the President of the Executive Council from his post, and in this case the Council shall be deemed as dissolved.
- (g) In case of dissolving the Executive Council or withdrawing confidence from it; the Council shall continue managing

the current affairs only until a new council is formulated, provided that this should not exceed an ultimate duration of fifteen days.

Article (14) :

- (a) The Region's Governorates shall be attached to the President of the Executive Council.
- (b) The Executive Council shall utilize through exercising its jurisdictions, the following bureaus :
 1. Bureau of the Executive Council.
 2. Bureau of Follow-up and Inspection.
 3. Bureau of Statistics and Planning.

(c) First :

The following administrations shall be attached to the Executive Council :

- 1. Education and Higher Education Administration.
- 2. Works and Housing Administration.
- 3. Agriculture and Agrarian Reform Administration.

- 4. Interior Affairs Administration.
- 5. Transportation and Communications Administration.
- 6. Culture and Youth Administration.
- 7. Municipalities and Summer-Resorts Administration.
- 8. Social Affairs Administration.
- 9. Economic and Financial Affairs Administration.
- 10. Awqaf (= Islamic Religious Endowments) Affairs Administration.

Second :

Competence of the following administrations shall be defined as follows:

- 1. Interior Affairs Administration : Police, Civil Defense & Civil Status.
- 2. Social Affairs Administration : Health, Work and Social Affairs.
- 3. Economic and Financial Affairs Administration : Financial Offices

and Local Commercial and Industrial Utilities.

- (d) Tasks of administrations provided in the previous paragraph shall be undertaken by members from the Executive Council named as "Trustees General" of whom everyone shall have a Deputy appointed by a special rank.

Article (15) :

The Executive Council shall exercise the following jurisdictions :

- (a) Ensure the execution of laws and regulations.
- (b) Abide by the Jurisdiction's decisions.
- (c) Spread justice, preserve security and general order and protect national and local public utilities and public and private properties of the State.
- (d) Issue resolutions required by the necessities of applying the provisions of local legislative resolutions.
- (e) Organize draft detailed plans of economic and social affairs, development

projects and education, teaching, health and work affairs in accordance with the exigencies of the general central planning of the State and the necessities of applying it, and submit them to the Legislative Council for ratification.

- (f) Supervise public, local utilities and establishments in the Region.
- (g) Appoint the personnel of the Autonomy's administration whose appointment does not require decreeing a Republican Ordinance or the approval of the President of the Republic in accordance with Service and Cadre Laws. They shall be ruled by the provisions of laws applicable to the officials of the Republic of Iraq, provided that officials in administrative divisions populated by a Kurdish majority should be Kurds or from among whoever command Kurdish language with observation to what is provided in Article (3) of this Law.
- (h) Execute the Region's budget in accordance with the laws and bases accredited in the accountancy system of the State.

(i) Prepare an annual report on the conditions of the Region, which shall be submitted to the President of the Republic and the Legislative Council.

Part Three

The Relationship Between The Central Authority and The Autonomy's Administration

Article (16) :

Save the jurisdictions exercised by the Autonomy's bodies in accordance with the provisions of this law, exercising of power in all the Republic of Iraq over shall be maintained by the Central Bodies or whoever represent them.

Article (17) :

(a) Police, Security and Nationality formations in the Region shall be attached to their Directorates General in the Ministry of Interior and all their personnel shall be ruled by the provisions

of laws, regulations and instructions applied in the Republic of Iraq.

(b) The President of the Executive Council, or whoever from the Council's members he authorizes, is entitled to entrust the formations, provided in paragraph (a) of this Article, with duties within the Region in the limits of its functions and within the framework of the general policy of the State.

(c) Directors of the formations, provided in paragraph (a) of this Article, shall be appointed and transferred by an order issued by the Minister of Interior after consulting the President of the Executive Council.

(d) Police officials shall be transferred within the Region by an order issued by the Trustee of Interior Affairs Administration or whoever he authorizes and with observation to what is provided in paragraph (c) of this Article.

(e) Personnel of formations provided in paragraph (a) of this Article shall be appointed and transferred in accordance

with the rules and powers valid and effective in the Republic of Iraq with observation to what is provided in the previous paragraphs.

Article (18) :

- (a) Offices of the Central Authority in the Region shall be subjected to the Ministries to which they are attached, and shall exercise their work within the limits of their competences. The Bodies of Autonomy are entitled to submit reports about them to the Ministries they are attached to.
- (b) The Central Authority is entitled, within the limits of its jurisdictions, to generally direct the local Administrations provided in Article (14) of this Law.
- (c) The Central Authority shall assign a Minister of State who shall co-ordinate between the activities exercised in the Region by both the Central Authority and the Bodies of Autonomy, and he is entitled to attend all the meetings of these Bodies. The Central Authority is entitled to depute any of the other Ministers to undertake the same task.

(d) Resolutions of the Autonomy's Bodies shall be notified to the Minister of State promptly after their issuance.

(e) The President of the Executive Council shall attend the meetings of the Council of Ministers.

Article (19) :

- (a) The Iraqi Court of Cassation shall, in the form of a special body constituted of the chairman of the court and four members selected by the members of the Court of Cassation from among them for three years renewable for one time, exercise observation on the legality of the resolutions of the Autonomy's Bodies.
- (b) The Minister of Justice, or the Minister of State, is entitled to discredit the resolutions of the Autonomy's Bodies before the Observation Body cited in the previous paragraph, for their contradiction to the Constitution or laws or regulations within thirty days as from the date of notifying the Minister of State with them.
- (c) Discredit to the resolutions of the Auto-

nomy's Bodies before the Observation Body shall stop their execution until the final judgement is made.

- (d) The Observation Body shall decide on the discredit within a duration not exceeding thirty days as from the date of submitting it to the Body and its decisions shall be final.
- (e) Resolutions of the Autonomy's Bodies, which the Observation Body decides on as illegal, shall be deemed as nil and void totally or partially right from the date of their issuance and all legal effects ensued from them shall be abolished.
- (f) The Observation Body shall notify the discrediting authority and the President of the Legislative and the Executive Councils with its decisions and they shall be published in the Official Gazette.

Article (20) :

- (a) The President of the Republic is entitled to dissolve the Legislative Council in case the Council is incapable of exercising

its jurisdictions because of the resignation of half its members, or the quorum is not obtained during thirty days as from the date the invitation for convening it is forwarded or because of not acquiring the confidence stipulated in paragraph (d) of Article (13) of this Law for more than two consecutive times or in case of its non-abiding by the decisions of the Observation Body stipulated in Article (19) of this Law.

- (b) In case the Legislative Council is dissolved, the Executive Council shall continue exercising its jurisdictions until the new Legislative Council is elected, within a duration not exceeding ninety days as from the date the Republican Ordinance of dissolving it is decreed.

Article (21) :

This Law shall come into force as from the date of its publication in the Official Gazette.

Made at Baghdad on this 17th Saffar, 1394, Hejira, coinciding with this 11th March, 1974.

Ahmed Hassan Al-Bakr,
Chairman of
The Revolutionary Command Council

RESOLUTION No. (307)

**In the Name of the People,
The Revolutionary Command Council,**

In accordance with paragraph (a) of Article (42) of the Interim Constitution, The Revolutionary Command Council have, in the Name of the People and in its session convened on the 26th March 1974, decided to promulgate the following Law :

No. (36) of 1974, Law of the Legislative Council For Kurdistan Region Part One

Formulation of the Legislative Council

Article (1) :

- (a) The Legislative Council shall be formulated of eighty members elected through free and direct ballot in accordance with the Law of the Legislative Council's Election.

- (b) The Council's member shall represent all the Region's population.

Article (2) :

It is stipulated for whoever becomes a member in the Council that :

- (a) He is Iraqi by birth and from Iraqi parents by birth.
- (b) He has come out of the age of (25) calendar years.
- (c) He enjoys his full civil and political rights.
- (d) He commands reading and writing in either Kurdish or Arabic language.

Article (3).:

- (a) It is impermissible to gather between the membership of the Legislative Council and of the National Assembly or the membership of the boards of commercial companies, public institutions and the establishments attached to them, or undertake public posts.
- (b) The Council's member may not contract, personally or intermediately, with

RESOLUTION No. (307)

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Article (3).:

- (a) It is impermissible to gather between the membership of the Legislative Council and of the National Assembly or the membership of the boards of commercial companies, public institutions and the establishments attached to them, or undertake public posts.
- (b) The Council's member may not contract, personally or intermediately, with

the State, with the Autonomy's bodies or with public Bodies Corporate in his capacity as obligor or contractor, may not purchase from the State's properties or from the properties of the Autonomy's bodies or sell to them from his properties.

Article (4) :

Membership in the Council shall terminate in the following cases :

- (a) The Dissolution of the Council, or the termination of the Council's term.
- (b) The member's resignation, which shall come into force right from the date of accepting it by the Council by majority of its members.
- (c) The absence of one of the stipulations provided in Article (2) of this Law and the Council shall approve that by majority of its members.

Article (5) :

The Council's member shall, in an open session and before proceeding his work, swear the following Oath :

"I swear by Almighty God, by my honour and belief that I shall maintain the Republican Regime, faithfully abide by its principles, Constitution and endeavour diligently to preserve the safety of the Republic and the integrity of its lands".

Article (6) :

- (a) The Council's members shall not be questioned about what opinions they express during exercising their work in accordance with the Statute of the Council.
- (b) It is impermissible, during the session of the Council, to take any criminal measures against any of the Council's members, unless by the Council's permission and except in the case of finding him implicated in the act of the crime.

Part Two

The Work of the Legislative Council

Article (7) :

- (a) The term of the Council shall be three

years starting from the date of its first meeting and terminating over the last meeting of its third year.

- (b) The ordinary session of the Council shall start from the first Saturday of October and continue for a duration of (9) months.
- (c) The Council shall convene its first meeting of its ordinary session by the rule of the Law and under the presidency of the eldest member, where the Council shall, through a secret ballot, elect a president, vice-president and secretary for the Council.
- (d) The Executive Council's President, or one quarter of the Legislative Council's members, is entitled to call the Council to convene an extra-ordinary meeting which shall be limited to considering the matters cited in the invitation for convening the meeting.
- (e) The Council's sessions shall be convened in camera.

Article (8) :

- (a) The Executive Council is, or (ten) of

the Legislative Council's members are, entitled to propose legislative resolutions. The Council shall not discuss the draft resolution before the competent committee considers it, and any draft rejected by the Council shall not be submitted to it during the same session.

- (b) The President of the Executive Council shall decree the legislative resolutions within (10) days right from the date of their arrival to him and he is entitled, within this duration, to ask the Legislative Council to reconsider the draft resolution or some of its parts. If the Council insists on its opinion by the same majority, the resolution shall be deemed as final and must be promulgated.
- (c) Legislative resolutions shall be published in the Official Gazette of the Republic of Iraq and shall come into force as from the date of their publication.

Article (9) :

- (a) Every member in the Legislative Council is entitled to raise questions and interrogations, in accordance with the Sta-

tute of the Legislative Council, to the members of the Executive Council on matters which fall within their competences and they should answer them. Discussion of the interrogation shall be carried after seven days as from the date of submitting it.

- (b) It shall be the right of one quarter of the Legislative Council's members to submit an application of reason for withdrawing confidence from the Executive Council or from one of its members. The Council shall not discuss the application unless after seven days as from the date of submitting it, and voting over it shall be performed after two days as from the date of concluding the discussion over it.

Article (10) "Transitional"

Members of the first Legislative Council may be selected by a way other than election.

Article (11) :

This Law shall come into force as from

the date of its publication in the Official Gazette.

Made at Baghdad on this 3rd of Rabi' Al-Awal, Hejira, 1394, coinciding with this 26th day of March, 1974.

Ahmed Hassan Al-Bakr,

Chairman of

The Revolutionary Command Council

RESOLUTION No. (311)

In accordance with paragraph (a) of Article (42) of the Interim Constitution, The Revolutionary Command Council, have decided, in its session convened on 26 March 1974, upon the following :

- (1) Schools for Kurds living outside the Region, could be established in accordance with the rules and regulations put by the Ministry of Education.
- (2) This Decision shall come into force from the date of its publication in the Official Gazette.

**Ahmed Hassan Al-Bakr,
Chairman of
The Revolutionary Command Council.**

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